

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

TARVIE GILBERT, JR.,	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	No. 1:05-cv-99
	)	<i>Edgar</i>
CHOO-CHOO PARTNERS II, LLC,	)	
CHOO-CHOO PARTNERS, L.P., and,	)	
HOLIDAY HOSPITALITY CORPORATION,	)	
	)	
<i>Defendants.</i>	)	

**ORDER**

In accordance with the accompanying memorandum, the Court **GRANTS** Tarvie Gilbert, Jr.'s motion to reconsider the Court's previous denial of Gilbert's motion to remand [Doc. No. 12]. After reconsidering Gilbert's motion to remand, the Court concludes that 28 U.S.C. § 1441(b) bars removal to this Court. Accordingly, the Court **REMANDS** this action to the Tennessee state court from which it was removed.

SO ORDERED.

ENTER this 22nd day of July, 2005.

/s/ R. Allan Edgar  
R. ALLAN EDGAR  
CHIEF UNITED STATES DISTRICT JUDGE